

Submitted February 11, 2012
Approved as of
Date February 11, 2012

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 01-12
Saturday, January 14, 2012**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:30 a.m., Saturday January 14, 2012.

PRESENT
Steve Wilcox, Chair
Peter Mork
Stephen Ravas

Absent: None

Present: Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Castor Chasten, Planner III
Cindy Walters, Assistant City Attorney

I. PUBLIC HEARING

- A. Zoning Variance Application VAR2012-00029, Ana Christina Erazo – a variance request from the maximum size requirements applicable to an accessory building, i.e., a proposal to expand a detached garage via construction of a 260 square feet addition, located at 1208 Allison Drive, Rockville, Maryland 20851. Subject property is located in the R-60 Zone.

Mr. Ray briefed the Board on the variance request and cited two provisions in the Zoning Ordinance which address accessory structures: 1) limits total area of accessory structure to 500 square feet and 2) total square feet for all accessory buildings is based on minimum lot area of zone in which the property is located (R-60), for which the minimum is 6,000 square feet. All accessory buildings are limited to ten percent of 6,000 square feet, which is 600 square feet. The applicants' total square footage of the proposed building structure is 751 square feet, which exceeds the allowable limitation. Mr. Ray's recommendation is to deny the variance.

Ms. Erazo defended her position to erect the structure by addressing each of the Staff's findings. She believes that adding on to an existing building would be more

aesthetically pleasing to her and her neighbors than adding a separate building on the property. She provided a sketch of the addition (entered as Exhibit 4-12). She also provided a list of signatures from six of her neighbors approving the addition (entered as Exhibit B).

Ms. Erazo stated that since her lot exceeds 6,000 square feet she believes there will be ample space for the addition.

Mr. Ravas asked Staff since 1988 has the Board granted a variance for an accessory building to exceed area limitations based on the ten percent minimum lot area in the R-60 zone?

Mr. Ray replied that there was a prior variance granted at 9 Dale Drive. The difference being that the existing building exceeded limitations and was in deteriorating condition and the applicant was replacing what was already on the lot.

The Board went into Work Session to discuss the variance request.

II. DECISIONS

Mr. Mork moved, seconded by Mr. Ravas, to deny variance VAR2012-00029 for property at 1208 Allison Drive, largely for the purposes stated in the staff report, namely that the request for variance is not due to conditions peculiar to the property, and also that a literal application of the zoning would not result in practical difficulty, that the zoning is working as intended, and in conflict with the staff report, also moved the variance would be contrary to public interest in that the Board of Appeals would be overriding what was explicitly put in place in the zoning ordinance in terms of square footage. The motion passed on a vote of 3-0.

III. NEW BUSINESS

No New Business.

IV. OLD BUSINESS

Conclude discussion and formal adoption of proposed changes and updates to the Board of Appeals Rules of Procedures.

Mr. Mork moved, seconded by Mr. Ravas, to adopt the Rules of Procedure as amended most recently on January 5, 2012 with the caveat that the “periods” get fixed. The motion passed on a vote of 3-0.

V. MINUTES

Mr. Mork moved, seconded by Dr. Wilcox to approve the minutes for September 10, 2011 as written. The motion passed on a vote of 2-0 with Mr. Ravas abstaining.

Action was deferred until February 14, 2012 on the minutes for October 15, 2011 due to questions regarding the exact motion for the show cause hearing.

Mr. Mork noted that Mr. Ravas' last name is spelled incorrectly in the December 10 minutes. Mr. Ravas moved, seconded by Mr. Mork to accept the minutes of December 10, 2011 as written. The motion passed on a vote of 3-0.

VI. FYI INFORMATION

Mr. Wasilak reviewed a letter, which was copied to the Board, which was a response to a citizen regarding the Silverwood project. Mr. Ravas asked that the initial letter be forwarded to the Board.

Mr. Chasten mentioned that a potential appointee to the Board of Appeals, Ms. Young was absent but recognized the presence of the other potential appointees in attendance and asked the Board to greet them after the meeting.

Mr. Ravas stated that he may not be able to attend the February meeting.

Mr. Chasten stated that the applicants attending the February meeting should be notified if only two Board members will be present (in case all three members are required to vote). This will allow them the option to either go forward or wait until the next meeting when all of the Board members are present.

Mr. Mork asked if there were items that required a super majority vote and staff responded that there would be a Special Exception for an accessory apartment that would require it.

Mr. Wasilak said there will be three applications to review at the next meeting.

VII. ADJOURN

There being no further business to come before the Board, the Chair adjourned the meeting at 10:31 a.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary